

General Assembly

Raised Bill No. 975

January Session, 2013

LCO No. 3751



Referred to Committee on TRANSPORTATION

Introduced by: (TRA)

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## AN ACT CONCERNING REVISIONS TO THE TRANSPORTATION STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 13a-80 of the general statutes is repealed and the 2 following is substituted in lieu thereof (*Effective October 1, 2013*):
- 3 (a) The [commissioner] <u>Commissioner of Transportation</u>, with the
- advice and consent of the Secretary of the Office of Policy and 5 Management and the State Properties Review Board may sell, lease
- 6 and convey, in the name of the state, or otherwise dispose of, or enter
- into agreements concerning, any land and buildings owned by the
- 8 state and obtained for or in connection with highway purposes or for
- 9 the efficient accomplishment of the foregoing purposes or formerly
- 10 used for highway purposes, which real property is not necessary for
- 11 such purposes. The commissioner shall notify the state representative
- 12 and the state senator representing the municipality in which said
- 13 property is located within one year of the date a determination is made
- 14 that the property is not necessary for highway purposes and that the
- 15 department intends to dispose of the property.
- 16 (b) The Department of Transportation shall obtain a full appraisal

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on excess property prior to its sale [. Except as provided in subsection (c) of this section, transfers] and shall hold a public bid or auction for all properties determined to be legal lots of record. If the department does not receive any bids at the initial public bid or auction, the department may continue to market the property and accept offers for sale or hold another bid or auction. Transfers to other state agencies and municipalities for purposes specified by the department shall be exempt from the appraisal requirement. The department shall offer parcels that are legal lots of record to other state agencies before holding a public bid or auction and shall offer parcels that are not legal lots of record to all abutting landowners in accordance with department regulations. If the sale or transfer of property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use, pursuant to local zoning requirements, the commissioner may sell or transfer the property to such abutting landowner without public bid or auction. The department shall obtain a second appraisal if the value of such property is [valued over one hundred] more than two hundred fifty thousand dollars and is [not] to be sold [through public bid or auction] to an abutting landowner or in accordance with the provisions of subsection (c) of this section. Any appraisals [or value reports] shall be obtained prior to the determination of a sale price of the excess property.

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(c) Notwithstanding the provisions of sections 3-14b and 4b-21, no residential property upon which a single-family dwelling is situated at the time it is obtained by the department for highway purposes may be sold or transferred pursuant to this section within twenty-five years of the date of its acquisition without the department's first offering the owner or owners of the property at the time of its acquisition a right of first refusal to purchase the property at the amount of its appraised value as determined in accordance with the provisions of subsection (b) of this section. [, except for property offered for sale to municipalities prior to July 1, 1988.] Notice of such offer shall be sent

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to each such owner by registered or certified mail, return receipt requested, within one year of the date a determination is made that such property is not necessary for highway purposes. Any such offer shall be terminated by the department if it has not received written notice of the owner's acceptance of the offer within sixty days of the date it was mailed. [Whenever the offer is not so accepted, the department shall offer parcels which meet local zoning requirements for residential or commercial use to other state agencies and shall offer parcels which do not meet local zoning requirements for residential or commercial use to all abutting landowners in accordance with department regulations. If the sale or transfer of the property pursuant to this section results in the existing property of an abutting landowner becoming a nonconforming use as to local zoning requirements, the Commissioner of Transportation may sell or transfer the property to that abutter without public bid or auction.] The commissioner shall adopt regulations, in accordance with the provisions of chapter 54, establishing procedures for the disposition of excess property pursuant to the provisions of this subsection in the event such property is owned by more than one person.

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- (d) Where the department has in good faith and with reasonable diligence attempted to ascertain the identity of persons entitled to notice under subsection (c) of this section and mailed notice to the last known address of record of those ascertained, the failure to in fact notify those persons entitled thereto shall not invalidate any subsequent disposition of property pursuant to this section.
- Sec. 2. Section 13b-79u of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
- (a) The Commissioner of Transportation is authorized and directed, in consultation with the Secretary of the Office of Policy and Management and with the approval of the Governor, to enter into any agreements with the National Rail Passenger Corporation or its successor in interest that are necessary for the operation of rail

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- (b) The commissioner is authorized and directed, in consultation with the secretary and with approval of the Governor, to enter into any agreements with the commonwealth of Massachusetts, or any entity authorized to act on its behalf, or the state of Vermont, or any entity authorized to act on its behalf, that are necessary for the state's participation in the provision of rail passenger service on the New Haven-Hartford-Springfield rail line.
- (c) The commissioner is authorized and directed, in consultation with the secretary and with the approval of the Governor, to select through a competitive process and contract with an operator or operators for rail service on the New Haven-Hartford-Springfield rail line.
- 95 Sec. 3. Section 13b-20 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):
  - (a) The Commissioner of Transportation shall keep a record of all proceedings and orders pertaining to the matters under said commissioner's direction and copies of all plans, specifications and estimates submitted to said commissioner. Said commissioner shall furnish to any court in this state without charge certified copies of any document or record pertaining to the operation of the department, and any certified document or record of the commissioner, attested as a true copy by the commissioner, the deputy commissioner, the chief engineer of the department, or any deputy commissioner or bureau head for an operating bureau, shall be competent evidence in any court of this state of the facts contained in such document or record. The commissioner may delegate to the deputy commissioner, the chief engineer, [and] the deputy commissioners or bureau heads for operating bureaus, and other agency staff as appropriate, the authority to sign any agreement, contract, document or instrument which the commissioner is authorized to sign and any such signature shall be

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- 113 binding and valid.
- 114 (b) The executive director of the Office of the State Traffic
- 115 Administration may certify copies of any document or record
- 116 pertaining to the operation of the Office of the State Traffic
- 117 Administration, and any certified document or record of said office,
- attested as a true copy by said executive director, shall be competent
- 119 evidence in any court of this state of the facts contained in such
- 120 document or record.
- 121 Sec. 4. (NEW) (Effective October 1, 2013) The Commissioner of
- 122 Transportation may issue a filming permit, on a form required by the
- 123 commissioner, to any person seeking to film upon the state highway
- 124 right-of-way or state real property under the custody and control of
- 125 the Department of Transportation. Such permit shall specify the
- insurance coverage that the permittee shall be required to obtain, as
- 127 determined by the commissioner in consultation with the state's
- 128 Director of Insurance and Risk Management, with the state named as
- an additional insured. No liability shall accrue to the state or any
- agency or employee of the state for any injuries or damages to any
- person or property that may result, either directly or indirectly, from
- the filming activities of the permittee on state real property or state
- 133 highway right-of-way.
- 134 Sec. 5. (NEW) (Effective October 1, 2013) The Commissioner of
- 135 Transportation may grant easements with respect to land owned by
- the state to a public service company, as defined in section 16-1 of the
- general statutes, the owner of a district heating and cooling system, or
- a municipal water or sewer authority, in connection with bringing
- 139 utility service to a Department of Transportation facility or office,
- subject to the approval of the State Properties Review Board.
- 141 Sec. 6. Subsection (a) of section 13b-251 of the general statutes is
- repealed and the following is substituted in lieu thereof (*Effective from*
- 143 passage):

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(a) The minimum overhead clearance for any structure crossing over railroad tracks for which construction is begun on or after October 1, 1986, shall be twenty feet, six inches, except that, (1) if the construction includes only deck replacement or minor widening of the structure, and the existing piers or abutments remain in place, the minimum overhead clearance shall be the structure's existing overhead clearance; (2) the minimum overhead clearance for any structure crossing any railroad tracks on which trains are operated that are attached to or powered by means of overhead electrical wires shall be twenty-two feet, six inches; (3) the minimum overhead clearance for the structure that carries (A) Route 372 over railroad tracks in New Britain, designated state project number 131-156, (B) U.S. Route 1 over railroad tracks in Fairfield, designated state project number 50-6H05, (C) Route 729 over railroad tracks in North Haven, designated state project number 100-149, (D) Grove Street over railroad tracks in Hartford, designated state project number 63-376, (E) Route 1 over railroad tracks in Milford, designated state project number 173-117, (F) Ingham Hill Road over railroad tracks in Old Saybrook, designated state project number 105-164, (G) Ellis Street over railroad tracks in New Britain, designated state project number 88-114, (H) Route 100 over the railroad tracks in East Haven, bridge number 01294, and (I) Church Street Extension over certain railroad storage tracks located in the New Haven Rail Yard, designated state project number 92-526, shall be eighteen feet; (4) the minimum overhead clearance for those structures carrying (A) Fair Street, bridge number 03870, (B) Crown Street, bridge number 03871, and (C) Chapel Street, bridge number 03872, over railroad tracks in New Haven shall be seventeen feet, six inches; (5) the minimum overhead clearance for the structure carrying State Street railroad station pedestrian bridge over railroad tracks in New Haven shall be nineteen feet, ten inches; (6) the overhead clearance for the structure carrying Woodland Street over the Griffins Industrial Line in Hartford, designated state project number 63-501, shall be fifteen feet, nine inches, with new foundations placed at depths which may accommodate an overhead clearance to a maximum

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178 of seventeen feet, eight inches; (7) the Department of Transportation 179 may replace the Hales Road Highway Bridge over railroad tracks in 180 Westport, Bridge Number 03852, with a new bridge that provides a 181 minimum overhead clearance over the railroad tracks that shall be 182 eighteen feet, five inches; [and] (8) the Department of Transportation 183 may replace the Pearl Street Highway Bridge over railroad tracks in 184 Middletown, Bridge Number 04032, with a new bridge that provides a 185 minimum overhead clearance over the railroad tracks that shall be 186 seventeen feet, eleven inches; and (9) the Department of 187 Transportation may construct a new bridge that provides a minimum 188 overhead clearance of twenty-two feet, two inches for the structure 189 carrying Metro Center Access Road over the Metro-North Railroad in 190 Fairfield.

191 Sec. 7. Section 15-15e of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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(a) [On and after October 1, 1997, no] An owner or operator of a vessel [may transport or offer to transport] used to transport a pilot licensed under the provisions of section 15-13 for the purpose of embarking or disembarking another vessel in open and unprotected waters [unless such owner or operator has obtained] shall obtain a certificate of [compliance from the Commissioner of Transportation. On and after October 1, 1997, the Commissioner of Transportation shall issue a certificate of compliance to each owner or operator of a vessel used to transport a licensed pilot for the purpose of embarking or disembarking another vessel in open and unprotected waters who complies with the requirements specified in regulations which shall be adopted by the commissioner in accordance with the provisions of chapter 54. The regulations shall specify (1) standards and procedures for the issuance and renewal of such certificate; (2) grounds for the suspension of such certificate; (3) requirements relative to the inspection of such vessels, including the designation and qualifications of inspectors of such vessels and the maintenance and inspection of logs in each such vessel; (4) the procedures for embarkation and

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- 211 disembarkation of pilots; and (5) the operation of and equipment
- 212 required on each such vessel. Such regulations may establish standard
- 213 rates for the use of each such vessel for such purpose. For the purposes
- of this subsection, "open and unprotected waters" means waters
- 215 located east of the area depicted on the National Oceanic and
- 216 Atmospheric Administration charts of the eastern portion of Long
- 217 Island Sound as "The Race" insurance from an insurance carrier based
- 218 on a survey conducted and documented by a qualified marine
- 219 surveyor. Marine surveyors shall be guided by applicable United
- 220 States Coast Guard regulations, if any, and standards set by insurance
- companies for the insurability of such vessel.
- (b) Any person who [violates any provision of] fails to comply with
- 223 subsection (a) of this section or any regulation adopted thereunder
- shall be fined not less than [sixty] <u>five hundred</u> dollars nor more than
- 225 [two hundred fifty dollars for each such violation] one thousand
- 226 dollars.
- Sec. 8. Subdivision (40) of section 14-1 of the general statutes is
- 228 repealed and the following is substituted in lieu thereof (Effective from
- 229 passage):
- 230 (40) "Highway" includes any state or other public highway, road,
- 231 street, avenue, alley, driveway, parkway, [or] place or dedicated
- 232 <u>roadway for bus rapid transit service</u>, under the control of the state or
- 233 any political subdivision of the state, dedicated, appropriated or
- opened to public travel or other use;
- Sec. 9. (NEW) (Effective from passage) (a) No person shall access or
- 236 travel upon any highway that is a dedicated roadway for bus rapid
- 237 transit service except as an operator or passenger in (1) a motor vehicle
- 238 authorized by the state to provide public transit service on such
- 239 highway, (2) an authorized emergency vehicle responding to an
- 240 emergency call, (3) a vehicle operated by the Department of
- 241 Transportation or any contractor of the department authorized by the

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- 242 state to perform maintenance on such highway, or (4) any motor
- 243 vehicle specifically authorized in writing by the Commissioner of
- 244 Transportation to access or travel upon such highway.
- 245 (b) Any violation of this section shall be an infraction.
- Sec. 10. Subdivision (1) of subsection (c) of section 14-100a of the
- 247 general statutes is repealed and the following is substituted in lieu
- 248 thereof (*Effective October 1, 2013*):
- (c) (1) The operator of and any [front seat] passenger in any motor
- vehicle or fire fighting apparatus originally equipped with seat safety
- belts complying with the provisions of 49 CFR 571.209, as amended
- 252 from time to time, shall wear such seat safety belt while the vehicle is
- 253 being operated on any highway, except as follows:
- 254 (A) A child six years of age and under shall be restrained as
- 255 provided in subsection (d) of this section;
- 256 (B) The operator of such vehicle shall secure or cause to be secured
- 257 in a seat safety belt any passenger seven years of age or older and
- 258 under sixteen years of age; and
- 259 (C) If the operator of such vehicle is under eighteen years of age,
- such operator and each passenger in such vehicle shall wear such seat
- safety belt while the vehicle is being operated on any highway.
- Sec. 11. Section 14-296aa of the general statutes is repealed and the
- 263 following is substituted in lieu thereof (*Effective October 1, 2013*):
- 264 (a) For purposes of this section, the following terms have the
- 265 following meanings:
- 266 (1) "Mobile telephone" means a cellular, analog, wireless or digital
- 267 telephone capable of sending or receiving telephone communications
- 268 without an access line for service.

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- (2) "Using" or "use" means holding a hand-held mobile telephone to,or in the immediate proximity of, the user's ear.
- 271 (3) "Hand-held mobile telephone" means a mobile telephone with 272 which a user engages in a call using at least one hand.

- (4) "Hands-free accessory" means an attachment, add-on, built-in feature, or addition to a mobile telephone, whether or not permanently installed in a motor vehicle, that, when used, allows the vehicle operator to maintain both hands on the steering wheel.
  - (5) "Hands-free mobile telephone" means a hand-held mobile telephone that has an internal feature or function, or that is equipped with an attachment or addition, whether or not permanently part of such hand-held mobile telephone, by which a user engages in a call without the use of either hand, whether or not the use of either hand is necessary to activate, deactivate or initiate a function of such telephone.
  - (6) "Engage in a call" means talking into or listening on a hand-held mobile telephone, but does not include holding a hand-held mobile telephone to activate, deactivate or initiate a function of such telephone.
  - (7) "Immediate proximity" means the distance that permits the operator of a hand-held mobile telephone to hear telecommunications transmitted over such hand-held mobile telephone, but does not require physical contact with such operator's ear.
  - (8) "Mobile electronic device" means any hand-held or other portable electronic equipment capable of providing data communication between two or more persons, including a text messaging device, a paging device, a personal digital assistant, a laptop computer, equipment that is capable of playing a video game or a digital video disk, or equipment on which digital photographs are taken or transmitted, or any combination thereof, but does not include

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any audio equipment or any equipment installed in a motor vehicle for the purpose of providing navigation, emergency assistance to the operator of such motor vehicle or video entertainment to the passengers in the rear seats of such motor vehicle.

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- (9) "Operating a motor vehicle" means operating a motor vehicle on any highway, as defined in section 14-1, including being temporarily stationary due to traffic, road conditions or a traffic control sign or signal, but not including being parked on the side or shoulder of any highway where such vehicle is safely able to remain stationary.
- 308 (b) (1) Except as otherwise provided in this subsection and 309 subsections (c) and (d) of this section, no person shall operate a motor 310 vehicle upon a highway, as defined in section 14-1, while using a 311 hand-held mobile telephone to engage in a call or while using a mobile 312 electronic device. [while such vehicle is in motion.] An operator of a 313 motor vehicle who types, sends or reads a text message with a hand-314 held mobile telephone or mobile electronic device while [such vehicle 315 is in motion] operating a motor vehicle shall be in violation of this 316 section, except that if such operator is driving a commercial motor 317 vehicle, as defined in section 14-1, such operator shall be charged with 318 a violation of subsection (e) of this section.
  - (2) An operator of a motor vehicle who holds a hand-held mobile telephone to, or in the immediate proximity of, his or her ear while [such vehicle is in motion] operating a motor vehicle is presumed to be engaging in a call within the meaning of this section. The presumption established by this subdivision is rebuttable by evidence tending to show that the operator was not engaged in a call.
  - (3) The provisions of this subsection shall not be construed as authorizing the seizure or forfeiture of a hand-held mobile telephone or a mobile electronic device, unless otherwise provided by law.
- 328 (4) Subdivision (1) of this subsection shall not apply to: (A) The use 329 of a hand-held mobile telephone for the sole purpose of

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communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital, physician's office or health clinic; an ambulance company; a fire department; or a police department, or (B) any of the following persons while in the performance of their official duties and within the scope of their employment: A peace officer, as defined in subdivision (9) of section 53a-3, a firefighter or an operator of an ambulance or authorized emergency vehicle, as defined in section 14-1, or a member of the armed forces of the United States, as defined in section 27-103, while operating a military vehicle, or (C) the use of a hand-held radio by a person with an amateur radio station license issued by the Federal Communications Commission in emergency situations for emergency purposes only, or (D) the use of a hands-free mobile telephone.

- (c) No person shall use a hand-held mobile telephone or other electronic device, including those with hands-free accessories, or a mobile electronic device while operating a [moving] school bus that is carrying passengers, except that this subsection shall not apply to (1) a school bus driver who places an emergency call to school officials, or (2) the use of a hand-held mobile telephone as provided in subparagraph (A) of subdivision (4) of subsection (b) of this section.
- (d) No person under eighteen years of age shall use any hand-held mobile telephone, including one with a hands-free accessory, or a mobile electronic device while operating a [moving] motor vehicle on a public highway, except as provided in subparagraph (A) of subdivision (4) of subsection (b) of this section.
- (e) No person shall type, read or send text or a text message with or from a mobile telephone or mobile electronic device while operating a commercial motor vehicle, as defined in section 14-1, except for the purpose of communicating with any of the following regarding an emergency situation: An emergency response operator; a hospital; physician's office or health clinic; an ambulance company; a fire department or a police department.

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- (g) Any law enforcement officer who issues a summons for a violation of this section shall record on such summons the specific nature of any distracted driving behavior observed by such officer.
- (h) Any person who violates this section shall be fined one hundred twenty-five dollars for a first violation, two hundred fifty dollars for a second violation and four hundred dollars for a third or subsequent violation.
- (i) An operator of a motor vehicle who commits a moving violation, as defined in subsection (a) of section 14-111g, while engaged in any activity prohibited by this section shall be fined in accordance with subsection (h) of this section, in addition to any penalty or fine imposed for the moving violation.
- (j) The state shall remit to a municipality twenty-five per cent of the fine amount received for a violation of this section with respect to each summons issued by such municipality. Each clerk of the Superior Court or the Chief Court Administrator, or any other official of the Superior Court designated by the Chief Court Administrator, shall, on or before the thirtieth day of January, April, July and October in each year, certify to the Comptroller the amount due for the previous quarter under this subsection to each municipality served by the office of the clerk or official.
- Sec. 12. Section 21-52 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):
  - (a) The fee for an application for a permit to erect or maintain any outdoor advertising structure, device or display shall be as follows: For each panel, bulletin, or sign containing less than three hundred square

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392 feet of advertising space, [fifty] one hundred dollars; and for each 393 panel, bulletin or sign containing three hundred square feet or more of advertising space, [one] two hundred dollars.

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(b) The annual fee for such permit shall be as follows: For each panel, bulletin or sign containing three hundred square feet or less of advertising space, [twenty] forty dollars; for each panel, bulletin or sign containing more than three hundred and not more than six hundred square feet of advertising space, [forty] eighty dollars; and for each panel, bulletin or sign containing more than six hundred square feet and not more than nine hundred square feet of advertising space, [sixty] one hundred twenty dollars. No sign shall be erected which contains more than nine hundred square feet of advertising space. A fee shall be paid for each side of each panel, bulletin or sign used for advertising, provided, if two panels, bulletins or signs advertising the same products or services are attached to the same support or supports, only one annual permit fee shall be paid for each side thereof and the total advertising space on each side thereof shall be used for computing the annual permit fee of each panel, bulletin or sign. The annual permit fee for any part of a year shall bear the same proportion to the annual permit fee for an entire year that the number of months in such part bears to the entire year. If any such permit is transferred, the transferee shall be assessed a fee of one hundred dollars.

Sec. 13. Section 21-56 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

The Commissioner of Transportation shall provide with each permit issued for the display of advertising, under the provisions of this chapter, a permit number which shall be [painted] clearly posted on each structure in legible figures not less than [two] twelve inches in height and at the following locations on such advertising billboards and signs: [Poster boards, on the top moulding at a point nearest the highway or street; signs] (1) For a sign erected on a single post, [on the face of the post under the sign] on the side of the post in a manner

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- visible from the roadway, (2) for a sign erected on multiple posts, on
- 425 the side of the post closest to the roadway in a manner visible from the
- roadway, and (3) for a sign without support posts, on the bottom left
- 427 <u>corner of the display</u>. The provisions of this section shall not apply to
- 428 advertising signs or displays on or in railroad stations intended for
- display to the patrons of railroads.
- Sec. 14. Subsection (f) of section 13a-123 of the general statutes is
- 431 repealed and the following is substituted in lieu thereof (Effective
- 432 *October 1, 2013*):
- 433 (f) Notwithstanding the provisions of subsections (a) and (e) of this
- 434 section, signage that may be changed at intervals by electronic or
- mechanical process or by remote control shall be permitted within six
- 436 hundred sixty feet of the edge of the right-of-way of any interstate,
- 437 federal-aid primary or other limited access state highway, except as
- 438 prohibited by state statute, local ordinance or zoning regulation,
- provided such signage (1) has a static display lasting no less than [six]
- 440 <u>eight</u> seconds, (2) achieves a message change with all moving parts or
- 441 illumination moving or changing simultaneously over a period of
- three seconds or less, and (3) does not display any illumination that
- 443 moves, appears to move or changes in intensity during the static
- 444 display period.
- Sec. 15. Section 20-340 of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective from passage*):
- The provisions of this chapter shall not apply to: (1) Persons
- employed by any federal, state or municipal agency; (2) employees of
- 449 any public service company regulated by the Public Utilities
- 450 Regulatory Authority or of any corporate affiliate of any such
- company when the work performed by such affiliate is on behalf of a
- 452 public service company, but in either case only if the work performed
- is in connection with the rendition of public utility service, including
- 454 the installation or maintenance of wire for community antenna

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television service, or is in connection with the installation or maintenance of wire or telephone sets for single-line telephone service located inside the premises of a consumer; (3) employees of any municipal corporation specially chartered by this state; (4) employees of any contractor while such contractor is performing electrical-line or emergency work for any public service company; (5) persons engaged in the installation, maintenance, repair and service of electrical or other appliances of a size customarily used for domestic use where such installation commences at an outlet receptacle or connection previously installed by persons licensed to do the same and maintenance, repair and service is confined to the appliance itself and its internal operation; (6) employees of industrial firms whose main duties concern the maintenance of the electrical work, plumbing and piping work, solar thermal work, heating, piping, cooling work, sheet metal work, elevator installation, repair and maintenance work, automotive glass work or flat glass work of such firm on its own premises or on premises leased by it for its own use; (7) employees of industrial firms when such employees' main duties concern the fabrication of glass products or electrical, plumbing and piping, fire protection sprinkler systems, solar, heating, piping, cooling, chemical piping, sheet metal or elevator installation, repair and maintenance equipment used in the production of goods sold by industrial firms, except for products, electrical, plumbing and piping systems and repair and maintenance equipment used directly in the production of a product for human consumption; (8) persons performing work necessary to the manufacture or repair of any apparatus, appliances, fixtures, equipment or devices produced by it for sale or lease; (9) employees of stage and theatrical companies performing the operation, installation and maintenance of electrical equipment if such installation commences at an outlet receptacle or connection previously installed by persons licensed to make such installation; (10) employees of carnivals, circuses or similar transient amusement shows who install electrical work, provided such installation shall be subject to the approval of the State Fire Marshal prior to use as otherwise

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provided by law and shall comply with applicable municipal ordinances and regulations; (11) persons engaged in the installation, maintenance, repair and service of glass or electrical, plumbing, fire protection sprinkler systems, solar, heating, piping, cooling and sheet metal equipment in and about single-family residences owned and occupied or to be occupied by such persons; provided any such installation, maintenance and repair shall be subject to inspection and approval by the building official of the municipality in which such residence is located and shall conform to the requirements of the State Building Code; (12) persons who install, maintain or repair glass in a motor vehicle owned or leased by such persons; (13) persons or entities holding themselves out to be retail sellers of glass products, but not such persons or entities that also engage in automotive glass work or flat glass work; (14) persons who install preglazed or preassembled windows or doors in residential or commercial buildings; (15) persons registered under chapter 400 who install safety-backed mirror products or repair or replace flat glass in sizes not greater than thirty square feet in residential buildings; (16) sheet metal work performed in residential buildings consisting of six units or less by new home construction contractors registered pursuant to chapter 399a, by home improvement contractors registered pursuant to chapter 400 or by persons licensed pursuant to this chapter, when such work is limited to exhaust systems installed for hoods and fans in kitchens and baths, clothes dryer exhaust systems, radon vent systems, fireplaces, fireplace flues, masonry chimneys or prefabricated metal chimneys rated by Underwriters Laboratories or installation of stand-alone appliances including wood, pellet or other stand-alone stoves that are installed in residential buildings by such contractors or persons; (17) employees of or any contractor employed by and under the direction of a properly licensed solar contractor, performing work limited to the hoisting, placement and anchoring of solar collectors, photovoltaic panels, towers or turbines; [and] (18) persons performing swimming pool maintenance and repair work authorized pursuant to section 20-417aa; and (19) employees of the Connecticut Airport Authority.

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Sec. 16. Section 29-252a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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- (a) The State Building Code, including any amendment to said code adopted by the State Building Inspector and Codes and Standards Committee, shall be the building code for all state agencies <u>and the Connecticut Airport Authority</u>.
- 529 (b) (1) No state or Connecticut Airport Authority building or 530 structure or addition to a state or Connecticut Airport Authority 531 building or structure: (A) That exceeds the threshold limits contained 532 in section 29-276b and requires an independent structural review 533 under said section, or (B) that includes residential occupancies for 534 twenty-five or more persons, shall be constructed until an application 535 has been filed by (i) the commissioner of an agency authorized to 536 contract for the construction of buildings under the provisions of 537 section 4b-1 or 4b-51, or (ii) the executive director of the Connecticut 538 Airport Authority, with the State Building Inspector and a building 539 permit is issued by the State Building Inspector. Two copies of the 540 plans and specifications for the building, structure or addition to be 541 constructed shall accompany the application. The commissioner of any 542 such agency or the executive director of the Connecticut Airport 543 Authority shall certify that such plans and specifications are in 544 substantial compliance with the provisions of the State Building Code 545 and, where applicable, with the provisions of the Fire Safety Code. The 546 State Building Inspector shall review the plans and specifications for 547 the building, structure or addition to be constructed to verify their 548 compliance with the requirements of the State Building Code and, not 549 later than thirty days after the date of application, shall issue or refuse 550 to issue the building permit, in whole or in part. The State Building 551 Inspector may request that the State Fire Marshal review such plans to 552 verify their compliance with the Fire Safety Code.
  - (2) On and after July 1, 1999, the State Building Inspector shall assess an education fee on each building permit application. During

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the fiscal year commencing July 1, 1999, the amount of such fee shall be sixteen cents per one thousand dollars of construction value as declared on the building permit application, and the State Building Inspector shall remit such fees, quarterly, to the Department of Construction Services, for deposit in the General Fund. Upon deposit in the General Fund, the amount of such fees shall be credited to the appropriation to the Department of Construction Services and shall be used for the code training and educational programs established pursuant to section 29-251c. On and after July 1, 2000, the assessment shall be made in accordance with regulations adopted pursuant to subsection (d) of section 29-251c.

(c) All state agencies authorized to contract for the construction of any buildings or the alteration of any existing buildings under the provisions of section 4b-1 or 4b-51 or, for any such Connecticut Airport Authority building, the Connecticut Airport Authority, shall be responsible for substantial compliance with the provisions of the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be. Such agencies and the Connecticut Airport Authority shall apply to the State Building Inspector for a certificate of occupancy for all buildings or alterations of existing buildings for which a building permit is required under subsection (b) of this section and shall certify compliance with the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be, to the State Building Inspector prior to occupancy or use of the facility.

(d) (1) No state <u>or Connecticut Airport Authority</u> building or structure erected or altered on and after July 1, 1989, for which a building permit has been issued pursuant to subsection (b) of this section, shall be occupied or used in whole or in part, until a certificate of occupancy has been issued by the State Building Inspector, certifying that such building or structure substantially conforms to the

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provisions of the State Building Code and the regulations lawfully adopted under said code and the State Fire Marshal has verified substantial compliance with the Fire Safety Code and the regulations lawfully adopted under said code for such building or alteration to such building, as the case may be.

- (2) No state <u>or Connecticut Airport Authority</u> building or structure erected or altered on and after July 1, 1989, for which a building permit has not been issued pursuant to subsection (b) of this section shall be occupied or used in whole or in part, until the commissioner of the agency erecting or altering the building or structure <u>or</u>, for any <u>Connecticut Airport Authority building or structure</u>, the executive <u>director of the Connecticut Airport Authority</u>, certifies to the State Building Inspector that the building or structure substantially complies with the provisions of the State Building Code, the Fire Safety Code and the regulations lawfully adopted under said codes for such building or alteration to such building, as the case may be.
- (e) The State Building Inspector or said inspector's designee may inspect or cause to be inspected any construction of buildings or alteration of existing buildings by state agencies or the Connecticut Airport Authority, except that said inspector or designee shall inspect or cause an inspection if the building being constructed includes residential occupancies for twenty-five or more persons. The State Building Inspector may order any state agency or the Connecticut Airport Authority to comply with the State Building Code. The commissioner may delegate such powers as the commissioner deems expedient for the proper administration of this part and any other statute related to the State Building Code to The University of Connecticut, provided the commissioner and the president of The University of Connecticut enter into a memorandum of understanding concerning such delegation of powers in accordance with section 10a-109ff.
- (f) The joint standing committee of the General Assembly having

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- 620 cognizance of matters relating to the Department of Construction
- 621 Services may annually review the implementation date in subsection
- 622 (b) of this section to determine the need, if any, for revision.
- (g) Any person aggrieved by any refusal to issue a building permit
  or certificate of occupancy under the provisions of this section or by an
  order to comply with the State Building Code or the Fire Safety Code
- 626 may appeal, de novo, to the Codes and Standards Committee not later
- than seven days after the issuance of any such refusal or order.
- (h) State agencies <u>and the Connecticut Airport Authority</u> shall be exempt from the permit requirements of section 29-263 and the
- 630 certificate of occupancy requirement under section 29-265.
- 631 Sec. 17. Subsection (a) of section 16a-27 of the general statutes is
- repealed and the following is substituted in lieu thereof (Effective July
- 633 1, 2013):
- 634 (a) The secretary, after consultation with all appropriate state,
- regional and local agencies and other appropriate persons, shall, prior
- 636 to March 1, 2012, complete a revision of the existing plan and enlarge it
- 637 to include, but not be limited to, policies relating to transportation,
- energy and air. [Any revision made after May 15, 1991, shall identify
- 639 the major transportation proposals, including proposals for mass
- transit, contained in the master transportation plan prepared pursuant
- to section 13b-15.] Any revision made after July 1, 1995, shall take into
- 642 consideration the conservation and development of greenways that
- 643 have been designated by municipalities and shall recommend that
- state agencies coordinate their efforts to support the development of a
- 645 state-wide greenways system. The Commissioner of Energy and
- 646 Environmental Protection shall identify state-owned land for inclusion
- in the plan as potential components of a state greenways system.
- Sec. 18. Subdivision (10) of section 25-201 of the general statutes is
- repealed and the following is substituted in lieu thereof (Effective July
- 650 1, 2013):

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(10) "Major state plan" means [the master transportation plan adopted pursuant to section 13b-15,] the plan for development of outdoor recreation adopted pursuant to section 22a-21, the solid waste management plan adopted pursuant to section 22a-211, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, the state-wide environmental plan adopted pursuant to section 22a-8, the plan for the disposal of dredged material for Long Island Sound, the historic preservation plan adopted under the National Historic Preservation Act, as amended, the state-wide facility and capital plan adopted pursuant to section 4b-23, the water quality management plan adopted under the federal Clean Water Act, the marine resources management plan, the plan for managing forest resources, the wildlife management plans and the salmon restoration plan;

Sec. 19. Subsection (e) of section 25-204 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):

(e) After adoption pursuant to subsection (d) of this section of an inventory, statement of objectives and map, the river committee shall prepare a report on all federal, state and municipal laws, plans, programs and proposed activities which may affect the river corridor defined in such map. Such laws shall include regulations adopted pursuant to chapter 440 and zoning, subdivision and site plan regulations adopted pursuant to section 8-3. Such plans shall include plans of conservation and development adopted pursuant to section 8-23, the state plan for conservation and development, water utility supply plans adopted pursuant to section 25-32d, coordinated water system plans adopted pursuant to section 25-33h, municipal open space plans, the commissioner's fish and wildlife plans, [the master transportation plan adopted pursuant to section 13b-15,] plans prepared by regional planning agencies pursuant to section 8-31a, and publicly-owned wastewater treatment facility plans. State and regional agencies shall, within available resources, assist the river committee in

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684 identifying such laws, plans, programs and proposed activities. The 685 report to be prepared pursuant to this section shall identify any 686 conflicts between such federal, state, regional and municipal laws, 687 plans, programs and proposed activities and the river committee's 688 objectives for river corridor protection and preservation as reflected in 689 the statement of objectives. If conflicts are identified, the river 690 committee shall notify the applicable state, regional or municipal 691 agencies and such agencies shall, within available resources, attempt 692 with the river commission to resolve such conflicts.

- Sec. 20. Subdivision (4) of section 25-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):
- 696 (4) "Major state plan" means any of the following: The [master 697 transportation plan adopted pursuant to section 13b-15, the] plan for 698 development of outdoor recreation adopted pursuant to section 22a-21, 699 the solid waste management plan adopted pursuant to section 22a-211, 700 the state-wide plan for the management of water resources adopted 701 pursuant to section 22a-352, the state-wide environmental plan 702 adopted pursuant to section 22a-8, the historic preservation plan 703 adopted under the National Historic Preservation Act, 16 USC 470 et 704 seq., the state-wide facility and capital plan adopted pursuant to 705 section 4b-23, the state's consolidated plan for housing and community 706 development prepared pursuant to section 8-37t, the water quality 707 management plan adopted under the federal Clean Water Act, 33 USC 708 1251 et seq., any plans for managing forest resources adopted pursuant 709 to section 23-20 and the Connecticut River Atlantic Salmon Compact 710 adopted pursuant to section 26-302;
- Sec. 21. Subsection (e) of section 25-234 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):
- 714 (e) After adoption of an inventory, statement of objectives and map,

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715 pursuant to subsection (d) of this section, the river commission shall 716 prepare a report on all federal, state, regional and municipal laws, 717 plans, programs and proposed activities that may affect the river 718 corridor defined in such map. Such federal, state, regional and 719 municipal laws shall include regulations adopted pursuant to chapter 720 440, and zoning, subdivision and site plan regulations adopted 721 pursuant to section 8-3. Such federal, state, regional and municipal 722 plans shall include plans of development adopted pursuant to section 723 8-23, the state plan for conservation and development, water utility 724 supply plans submitted pursuant to section 25-32d, coordinated water 725 system plans submitted pursuant to section 25-33h, [the master 726 transportation plan adopted pursuant to section 13b-15,] plans 727 prepared by regional planning organizations, as defined in section 4-728 124i, and plans of publicly owned wastewater treatment facilities 729 whose discharges may affect the subject river corridor. State and 730 regional agencies shall, within available resources, assist the river 731 commission in identifying such laws, plans, programs and proposed 732 activities. The report to be prepared pursuant to this section shall 733 identify any conflicts between such federal, state, regional and 734 municipal laws, plans, programs and proposed activities and the river 735 commission's objectives for river corridor management as reflected in 736 the statement of objectives. If conflicts are identified, the river 737 commission shall notify the applicable state, regional or municipal 738 agencies and such agencies shall, within available resources and in 739 consultation with the river commission, attempt to resolve such 740 conflicts.

- Sec. 22. Subsection (a) of section 1-2b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2013):
- 744 (a) For purposes of sections 1-10000, 1-206, 2-71r, 4-176, 4-180, 4-183,
- 745 4a-52a, 4a-60q, 4a-63, 4a-100, 4e-34, 4e-35, 7-65, 7-148w, 7-247a, 7-473c,
- 746 7-478e, 8-3b, 8-3i, 8-7d, 8-26b, 8-169r, 8-293, 9-388, 9-608, 9-623, 10a-22c,
- 747 10a-22i, 10a-34a, 10a-109n, 12-35, 12-157, 12-242ii, 12-242jj, 13a-80, [13a-

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748 85c, 13a-123, 15-11a, 16-41, 16-50c, 16-50d, 17a-103b, 19a-87, 19a-87c, 749 19a-209c, 19a-332e, 19a-343a, 19a-486a, 19a-486c, 19a-486d, 19a-497, 750 19a-507b, 20-205a, 20-325a, 21-63, 21-80, 22-7, 22a-6b, 22a-6u, 22a-30, 751 22a-42d, 22a-42f, 22a-66d, 22a-137, 22a-178, 22a-225, 22a-228, 22a-250, 752 22a-285b, 22a-354p, 22a-354s, 22a-354t, 22a-361, 22a-371, 22a-401, 22a-753 403, 22a-433, 22a-436, 22a-449f, 22a-449l, 22a-449n, 22a-504, 22a-626, 23-754 46, 23-65j, 23-651, 23-65p, 25-32, 25-32e, 25-331, 25-34, 25-204, 25-234, 755 29-108d, 31-57c, 31-57d, 31-355, 32-613, 33-663, 33-929, 33-1053, 33-1219, 756 34-521, 35-42, 36a-50, 36a-51, 36a-52, 36a-53, 36a-82, 36a-184, 36a-493, 757 36b-62, 36b-72, 38-323a, 38a-344, 38a-676, 38a-724, 38a-788, 42-158i, 42-758 161, 42-181, 42-182, 42-186, 42-271, 45a-716, 46b-115w, 46b-128, 47-42d, 759 47-74f, 47-88b, 47-236, 47-284, 47a-11b, 47a-11d, 47a-13a, 47a-14h, 47a-760 56b, 49-2, 49-4a, 49-8, 49-8a, 49-10b, 49-31b, 49-51, 49-70, 51-90e, 52-57, 761 52-59b, 52-63, 52-64, 52-195c, 52-350e, 52-351b, 52-361a, 52-362, 52-565a, 762 52-605, 52-606, 53-401, 53a-128, 53a-128d, 53a-207 and 54-82c and 763 chapter 965, any reference to certified mail, return receipt requested, 764 shall include mail, electronic, and digital methods of receiving the 765 return receipt, including all methods of receiving the return receipt 766 identified by the Mailing Standards of the United States Postal Service 767 in Chapter 500 of the Domestic Mail Manual or any subsequent 768 corresponding document of the United States Postal Service.

Sec. 23. Subsection (e) of section 14-36 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2013*):

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(e) (1) No motor vehicle operator's license shall be issued until (A) the applicant signs and files with the commissioner an application under oath, or made subject to penalties for false statement in accordance with section 53a-157b, and (B) the commissioner is satisfied that the applicant is sixteen years of age or older and is a suitable person to receive the license. (2) An applicant for a new motor vehicle operator's license shall, in the discretion of the commissioner, file, with the application, a copy of such applicant's birth certificate or other prima facie evidence of date of birth and evidence of identity. (3)

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Before granting a license to any applicant who has not previously held a Connecticut motor vehicle operator's license, or who has not operated a motor vehicle during the preceding two years, the commissioner shall require the applicant to demonstrate personally to the commissioner, a deputy or a motor vehicle inspector or an agent of the commissioner, in such manner as the commissioner directs, that the applicant is a proper person to operate motor vehicles of the class for which such applicant has applied, has sufficient knowledge of the mechanism of the motor vehicles to ensure their safe operation by him or her and has satisfactory knowledge of the laws concerning motor vehicles and the rules of the road. The knowledge test of an applicant for a class D motor vehicle operator's license may be administered in such form as the commissioner deems appropriate, including audio, electronic or written testing. Such knowledge test shall be administered in English, Spanish or any language spoken at home by at least one per cent of the state's population, according to statistics prepared by the United States Census Bureau, based on the most recent decennial census. Each such knowledge test shall include not less than one question concerning distracted driving, the use of mobile telephones and electronic devices by motor vehicle operators or the responsibilities of motor vehicle operators under section 14-296aa. If any such applicant has held a license from a state, territory or possession of the United States where a similar examination is required, or if any such applicant is a person honorably separated from the United States armed forces who applies within two years following the separation and who, prior to the separation, held a military operator's license for motor vehicles of the same class as that for which such applicant has applied, the commissioner may waive part or all of the examination. When the commissioner is satisfied as to the ability and competency of any applicant, the commissioner may issue to such applicant a license, either unlimited or containing such limitations as the commissioner deems advisable, and specifying the class of motor vehicles which the licensee is eligible to operate. (4) If any applicant or operator license holder has any health problem which might affect

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such person's ability to operate a motor vehicle safely, the commissioner may require the applicant or license holder to demonstrate personally or otherwise establish that, notwithstanding such problem, such applicant or license holder is a proper person to operate a motor vehicle, and the commissioner may further require a certificate of such applicant's condition, signed by a medical authority designated by the commissioner, which certificate shall in all cases be treated as confidential by the commissioner. A license, containing such limitation as the commissioner deems advisable, may be issued or renewed in any case, but nothing in this section shall be construed to prevent the commissioner from refusing a license, either limited or unlimited, to any person or suspending a license of a person whom the commissioner determines to be incapable of safely operating a motor vehicle. Consistent with budgetary allotments, each motor vehicle operator's license issued to or renewed by a deaf or hearing impaired person shall, upon the request of such person, indicate such impairment. Such person shall submit a certificate stating such impairment, in such form as the commissioner may require and signed by a licensed health care practitioner. (5) The issuance of a motor vehicle operator's license to any applicant who is the holder of a license issued by another state shall be subject to the provisions of sections 14-111c and 14-111k.

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Sec. 24. Sections 13a-85c and 13b-15 of the general statutes are repealed. (*Effective July 1, 2013*)

This act shall take effect as follows and shall amend the following sections:			
Section 1	October 1, 2013	13a-80	
Sec. 2	from passage	13b-79u	
Sec. 3	from passage	13b-20	
Sec. 4	October 1, 2013	New section	
Sec. 5	October 1, 2013	New section	
Sec. 6	from passage	13b-251(a)	
Sec. 7	October 1, 2013	15-15e	

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Sec. 8	from passage	14-1(40)
Sec. 9	from passage	New section
Sec. 10	October 1, 2013	14-100a(c)(1)
Sec. 11	October 1, 2013	14-296aa
Sec. 12	October 1, 2013	21-52
Sec. 13	October 1, 2013	21-56
Sec. 14	October 1, 2013	13a-123(f)
Sec. 15	from passage	20-340
Sec. 16	from passage	29-252a
Sec. 17	July 1, 2013	16a-27(a)
Sec. 18	July 1, 2013	25-201(10)
Sec. 19	July 1, 2013	25-204(e)
Sec. 20	July 1, 2013	25-231(4)
Sec. 21	July 1, 2013	25-234(e)
Sec. 22	July 1, 2013	1-2b(a)
Sec. 23	October 1, 2013	14-36(e)
Sec. 24	July 1, 2013	Repealer section

## Statement of Purpose:

To amend the transportation statutes concerning the sale or disposition of property, agreements with the state of Vermont concerning the New Haven-Hartford-Springfield rail line, the delegation of certain authority by the Commissioner of Transportation to bureau heads, filming permits for persons seeking to film on state highways, easements to public service companies, construction of an access road and bridge that does not meet certain minimum overhead clearance requirements, self-certification for pilot boats, bus rapid transit roadways, the use of safety belts, distracted driving, outdoor advertising, occupational licensing requirements and building code compliance of the Connecticut Airport Authority and the repeal of the requirement for the Department of Transportation to submit a master transportation plan.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

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